

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RONALD MALCOMSON, an individual,

No. 3:15-cv-02407-SB

Plaintiff,

v.

DAIMLER NORTH AMERICAN
CORPORATION, a Delaware corporation;
DAIMLER TRUCKS NORTH AMERICA
LLC, a Delaware limited liability company;
CONCENTRA HEALTH SERVICES, INC.
a Texas corporation; GABLE HOFMAN, an
individual; KARLA STEFFENSON, an
individual; and JOHN DOES (#1-10),
individuals,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings & Recommendation (#24) on August 3, 2016, in which she recommends the Court grant in part and deny in part the Daimler Group's motion to dismiss and grant the Daimler Group's motion to strike. The Daimler Group

Defendants have timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered the Daimler Group's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings & Recommendation [24], and therefore, the Daimler Group's Motion to Strike the Malcomson Declaration and attached exhibit [19] is granted, and the Daimler Group's Motion to Dismiss [8] is granted in part and denied in part as follows:

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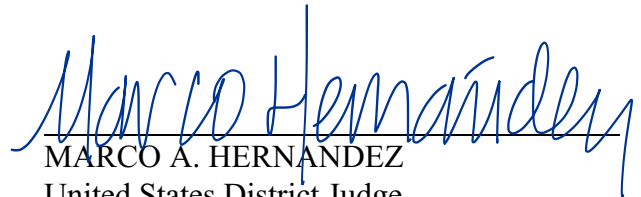
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(1) the motion is denied as to Plaintiff's Fifth Claim for Relief (Intentional Interference with Economic Relations); (2) the motion is granted as to Plaintiff's First Claim for Relief (O.R.S. 659A.199), Second Claim for Relief (O.R.S. 659A.030(1)(f)), Third Claim for Relief (common law wrongful discharge), and Fourth Claim for Relief (O.R.S. 659A.030(1)(g)). The Third Claim for Relief is dismissed with prejudice. The First, Second, and Fourth Claims for Relief are dismissed with leave to amend.

IT IS SO ORDERED.

DATED this 5 day of Oct, 2016.


MARCO A. HERNANDEZ
United States District Judge